

DEPARTMENT OF THE ARMY PERMIT

Permittee: U.S. Army Corps of Engineers, State of Montana

Permit No.: General Permit No. 03-01, Amendment No. 1

Issuing Office: US Army Corps of Engineers, Omaha District, Helena Regulatory Office

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

CONSTRUCTION, EXPANSION, MODIFICATION AND EXTENSION OF
BOAT RAMPS WITHIN STATE OF MONTANA, FORT PECK LAKE.
(DETAILED DESCRIPTIONS OF AUTHORIZED ACTIVITIES CAN BE
FOUND IN APPENDIX A)

Project Location: FORT PECK LAKE

Permit Conditions: DETAILED CONDITIONS CAN BE FOUND IN APPENDICES B, C and D.

General Conditions:

1. The time limit for completing the work authorized ends on May 1, 2008, which is **five** years after validation. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

APPENDICES B AND C CONTAINS ADDITIONAL SPECIAL CONDITIONS.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities

or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

After a detailed and careful review of all of the conditions contained in this permit, the permittee acknowledges that, although said conditions were required by the Corps of Engineers, nonetheless the permittee agreed to those conditions voluntarily to facilitate issuance of the permit; the permittee will comply fully with all the terms of all the permit conditions.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(Permittee's name typed here)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

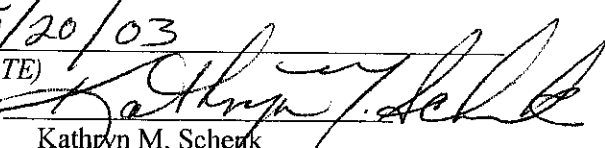
Kurt F. Ubbelohde

(DISTRICT ENGINEER)

COLONEL, CORPS OF ENGINEERS

5/20/03
(DATE)

BY


Kathryn M. Schenk
Chief, Regulatory Branch

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

**U.S. Army Corps of Engineers/State of Montana
General Permit 03-01, Amendment No. 1
DA Permit NO.: 200320001
Fort Peck Lake**

APPENDIX A DETAILED DESCRIPTION OF WORK

In accordance with the terms and conditions of this General Permit, the U.S. Army Corps of Engineers and the State of Montana is authorized by the Secretary of the Army to construct boat ramps and associated erosion protection of Fort Peck Lake within the State of Montana.

The ramps will be constructed of gravel; natural rock; steel matting; poured in place concrete or pre-cast concrete slabs on crushed stone, stone spall or gravel base that are mechanically placed in position; or other non-organic materials not to exceed typically eight (8) inches in thickness.

The ramps shall have a minimum slope of eight (8) percent with the desired slope being twelve (12) percent. A maximum slope of eighteen (18) percent may be used for that portion of the ramp placed in the water. Single lane boat ramps will be a minimum of ten (10) feet and a maximum of twenty (20) feet in width. Multiple lane ramps will not exceed a maximum width of seventy (70) feet. A minimum of ten (10) feet will be provided for each lane on a multiple lane facility.

A maximum thickness of twenty-four (24) inches of granular fill material will be placed as bedding for boat ramp construction. Additional suitable materials (e.g., rock) may be used to stabilize the foundation prior to the placement of the bedding or base material, provided such material is free of any deleterious substances.

The ramp facility may be protected from erosion by the placement of rock riprap on both sides of the ramp. A maximum riprap placement of three (3) cubic yards per linear foot of ramp will be allowed on each side of the ramp. Rock riprap may also be placed along the adjacent shoreline, extending a maximum of one hundred (100) feet on each side of the ramp, for erosion protection. A maximum of three (3) cubic yards of riprap per linear foot of shoreline will be allowed.

In the event of extended periods of low water conditions, filling activities associated with temporary attendant facilities (e.g. access roads, parking areas, latrines, public notification boards, etc.), proposed in conjunction with the boat launching ramp, may apply. Parking lot fill is typically not to exceed one-half cubic yard per square yard. A reclamation plan is required for filling activities resulting from extended periods of low water conditions and is to be implemented upon notification from the Reservoir Control Center that rising lake levels will inundate the site.

Cofferdams utilized in the construction of poured-in-place concrete ramps will be limited to that which is absolutely necessary to construct the ramp.

**APPENDIX B
SPECIAL CONDITIONS**

All activities authorized under this permit must comply with the following **Special Conditions**:

- 1. Minimization:** Permittees are required to minimize the effects of the projects by:
 - a. Placing all construction debris (which includes excess dredge and/or fill materials, wood, cleared vegetation, concrete, and all other material not specifically addressed in the permit) on upland areas in such a manner that it cannot enter a waterway or wetland.
 - b. Operating equipment that handles and/or conveys material during construction in a manner that prevents dumping or spilling the material into the water except as approved by the permit.
 - c. Performing work in the waterway in such a manner so as to minimize increases in suspended solids and turbidity that may degrade water quality and damage aquatic life outside the immediate area of operation.
 - d. Utilizing only clean riprap materials in order to avoid the introduction of fines that would result in excessive local turbidity.
 - e. Utilizing only clean rock material from a non-streambed source for riprap or associated with the placement of riprap. Use of streambed source materials for cofferdam construction is allowed, provided the material is returned to the source area and the bottom elevation is restored to pre-project contours.
 - f. Limiting clearing of vegetation to that which is absolutely necessary for construction of the project.
 - g. Conducting close coordination with downstream water users, advising them of any water quality changes to be caused by the construction.
 - h. Conducting all earthwork operations on shore in such a manner that sediment runoff and soil erosion to the water is controlled.
 - i. Complying with remedial measures given by the District Engineer if there has been notification that the filling and/or dredging activity associated with the project is adversely affecting fish or wildlife resources or the harvest thereof. This may include suspending or modifying the activity to the extent necessary to mitigate or eliminate the adverse effect.
 - j. Reseeding is required along the banks that are disturbed or cleared of vegetation above the high water mark elevation of 2246 feet with vegetation indigenous to the project area for protection against subsequent erosion and to minimize adverse impacts to fish and wildlife resources. This may require maintenance such as reseeded, watering, implementation of grazing restrictions, fencing, etc, to ensure the survival of the replacement vegetation.
 - k. Ensuring that no petroleum product, chemical, or other deleterious materials be allowed to enter or be disposed of in such a manner so that they could enter the water and that precautions be taken to prevent the entry of these materials in the water.
 - l. Ensuring measures are employed to prevent wet concrete from entering the waterway and ensuring concrete trucks will be washed at a site and in such a manner that wash water cannot enter the waterway.

- m. Ensuring temporary cofferdams, necessary for the construction of the ramps, will be limited to that which is absolutely necessary to construct or repair the ramp. Temporary cofferdams will be removed in their entirety immediately upon completion of the construction activity.
 - n. Ensuring that with the exception of material for forms and expansion joints, treated wood will not be utilized in ramp construction.
 - o. Ensuring that the site of the boat ramp and associated facilities will be inspected for any underground pipeline markers or warning signs. If such signs or markers are present, the telephone number shown on the sign will be called prior to the start of construction.
2. **Wetlands and Other Waters:** The total area of Fort Peck Lake that can be affected by a single and complete project is two (2) acres. Filling and other impacts (excavation, drainage, vegetation removal) to wetlands cannot exceed one-tenth (0.1) acre for the project.
 3. **Water Quality:** The permittee must comply with the conditions established by the Montana Department of Environmental Quality 401 certification.
 4. **Historic Properties:** No activity is authorized that would adversely impact sites included in the most current listing of the National Register of Historic Places, sites known to be eligible for such listing, sites included in the National Register of Natural Landmarks, or any other known historic, cultural, or archaeological sites. The District Engineer will comply with the provisions of 33 CFR Part 325, Appendix C, pursuant to the National Historic Preservation Act of 1966.
 5. **Threatened and Endangered Species:** No activity is authorized that is likely to jeopardize the combined existence of species, or their critical habitats, designated or proposed for designation as threatened or endangered pursuant to the Endangered Species Act of 1972.
 6. **Spawning Areas:** Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable.
 7. **Tribal Rights:** No activity is authorized that would impair reserved tribal rights; including, but not limited to water, fishing, and hunting rights.
 8. **Unsuitable Fill Material:** No discharge may consist of unsuitable material (e.g. trash, debris, car bodies, asphalt, etc.) and material discharged must be free from toxic amounts as required by Section 307 of the Clean Water Act. In Montana, the Corps issued a notice of prohibition against the use of certain material as fill in a Special Public Notice dated May 24, 2002.
 9. **Proper Maintenance:** Any fill material must be properly maintained, including maintenance necessary to ensure public safety.
 10. **Water Supply Intakes:** No discharge may occur in the proximity of a public water supply intake.
 11. **Stockpiling:** Temporary and permanent storage of excess soil, channel sediment, unwanted vegetation or other material in waters of the U.S. is not authorized. This does not prohibit the construction of temporary cofferdams.
 12. **Time:** The construction of any boat ramp facility authorized under this General Permit must be started within one (1) year of such authorization and must be completed within three (3) years, or said authorization if not previously revoked or specifically extended shall automatically expire.

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APPENDIX C

The following govern the duration, utilization and applicability of this general permit:

1. The cumulative impacts of this general permit may be subject to reevaluation at the discretion of the District Engineer at any time, but will be reevaluated at the end of the five (5) years.
2. Any proposed project, which is located in an area containing historic, cultural, or archeological sites as listed in the National Register of Historic Places, or those known to be eligible for such listing, and all monthly supplement thereto; and any proposed project, which is located in a site included in the National Registry of Natural Landmarks, will not be considered under this general permit.
3. Any proposed project located in an area named in Acts of Congress or Presidential Proclamations as National Rivers, National Wilderness Areas, National Recreation Areas, National Lakeshores, National Parks, National Monuments, and such areas as may be established under Federal law for similar and related purposes, such as estuarine and marine sanctuaries, will not be considered under this general permit.
4. Sites where the activity would result in adverse impacts to Federally or state listed threatened and/or endangered species or their critical habitat will not be considered under this general permit. The project must comply with the Endangered Species Act.
5. Projects involving filling activities, permanent and/or temporary, that would impair the flow in and out of wetlands are to be avoided if possible. If avoidance is not possible, mitigation of the impacts will be required.
6. Projects located within the boundaries of a wetland area or environmentally sensitive areas; such as spawning, nesting, feeding and resting areas, river chutes, backwater areas, etc., are to be avoided if possible. If avoidance is not possible, mitigation for the impacts will be required.
7. Areas in which the density of boat ramps exceeds ten (10) ramps per mile of shoreline will not be considered under this permit.
8. In the event of extended period of low water conditions, boat ramps and their associated facilities may be extended to the extent necessary to provide for a functional facility. If it is necessary to extend the boat ramps, prior Department of the Army authorization shall be obtained by the permittee before implementation of the extension. Under the event of extended period of low water conditions, the provisions of this general permit will apply to filling activities associated with the construction of attendant facilities, such as access roads, parking areas, latrines, public notification boards, etc, proposed in conjunction with the boat launching ramp.
9. For associated facilities placed during extended periods of low water conditions, a reclamation plan identifying the facilities that will remain in place and/or to be removed, a description of the removal plans, and a description of site reclamation is to implemented upon notification from the Reservoir Control Center that rising lake levels will inundate the site. The reclamation plan must be included in the Preconstruction notification (PCN).
10. The District Engineer has the discretion to require an individual permit on a case-by-case basis for any of the activities authorized herein.

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Fort Peck Lake

APPENDIX D APPLICATION PROCEDURE

All persons who desire to construct boat ramp projects in accordance with the General Permit (GP) 03-01 are required to submit a Preconstruction Notification (PCN) using the Joint Application Form to the Corps at the following address at least 30 days prior to the anticipated start of construction.

U.S. Army Corps of Engineers
10 West 15th Street, Suite 2200
Helena, Montana 59626

All PCN's must obtain sufficient information to the Corps to determine if a project complies with the terms and conditions of GP 03-01. All applications must contain the information described below. However, the Corps or EPA may require more detailed information if necessary to ensure compliance.

1. **Applicant:** Name, address, and telephone number of the applicant (landowner) and contact person.
2. **Project Location:** A legal description of the project location, including borrow and disposal sites, by quarter, section, township, and range. An enlarged copy of the appropriate portion of the U.S. Geological Survey topographic map for the area is the preferred method of specifying location information.
3. **Project Description:** A brief written description of the project including the primary purpose; compositions and volume (cubic yards) of all fill material and areas of excavation; number and locations of project features, areas of fill in waters of the U.S. and wetlands. If wetlands are to be filled with the project, the application must include a wetland delineation (see item 5 below); types and numbers of construction equipment to be used, total area of surface disturbance, including uplands; and any other pertinent information. For associated facilities placed during extended periods of low water, a reclamation plan identifying the facilities that will remain in place and/or to be removed, a description of the removal plans, and a description of site reclamation is required. This plan is to be implemented upon notification from the Reservoir Control Center that rising lake levels will inundate the site.
4. **Project Drawings:** Drawings of the project, preferably on 11" x 17" paper. Drawings must include at least a plan view of the lake with all project features easily discernible on it. For projects that involve fills in wetlands, a baseline wetland delineation map showing existing wetland boundaries and water features.
5. **Wetland Delineations:** Projects that involve fills in wetland must include a wetland delineation for the entire project area, including all wetland areas that could be impacted. Delineations must be completed by qualified individuals in accordance with the U.S. Army Corps of Engineers Wetland Delineation Manual dated January 1987 and any updated and supplements thereto. Delineation maps must show all areas that meet the definition of wetland, as defined in the manual and all other water features such as ditches, streams, ponds and lakes.
6. **Photographs:** The applicant is encouraged to provide color photographs of the project area, especially typical wetland/upland boundaries, in order to facilitate permit processing.